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ART UNIT	PAPER NUMBER
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/544,150
Filing Date: April 06, 2000
Appellant(s): PINGA ET AL.

Mark E. Tetreault, Esq.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10 December 2004

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is deficient because it fails to specify pages and line numbers. The Examiner suggests submitting a supplemental brief with pages and line numbers included to conform with37 CFR 1.192(c).

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

The rejection of claims 1-23 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6,547,131	Foodman et al.	4-2003
6,105,865	Hardesty	8-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-23 are rejected under 35 U.S.C. 103. This rejection is set forth in a prior Office Action, mailed on 06 August 2004.

(11) Response to Argument

The Examiner summarizes the various points raised by the Appellant(s) and addresses replies individually.

Appellant's invention as defined in the claims is not anticipated by the combination of the Foodman and Hardesty patents. The combination does not teach the concept of segregating a portion of the wagered funds or winnings and removing them from the reach of the game play patron to create a forced retirement savings vehicle. Therefore only transferring money out of the casino, with no ability to bring money back into the casino. Foodman is lacking in the teaching of investment accounts.

In Response:

The issue here is whether the combination of Foodman and Hardesty teach transferring funds to a reserve account of a casino for the benefit of a casino patron and transferring a portion of funds permanently out of the casino to an investment account for the benefit of the patron.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., segregating a portion of the wagered funds or winnings and removing them from the reach of the game play) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claim 1, merely states "establishing a casino investment account via a computer processor, said investment account for the benefit of a casino patron and making a deposit into said casino investment account."

In analyzing the teachings of Hardesty, a retirement cardholder (RCH) receives a credit card issued by a bank or other organization (column 5, lines 1-2). This retirement card is linked to a retirement account of the cardholder and is approved for use at participating merchants, including a casino (column 5, lines 33-36). The Examiner respectfully directs the Board's and Appellant's attention to the claim 1 rejection set forth in a prior Office Action, mailed on 06 August 2004. Foodman teaches that a credit card, such as the retirement card taught by Hardesty, is inserted into a casino gaming machine, where upon funds are transferred from the financial intuition account associated with the credit card to a casino account of the cardholder (column 11, lines 46 thru column 12, line 3). Under the teachings of Hardesty, the participating casino receives funds in the casino account for casino credits and therefore a rebate is set aside to transfer to the patron's retirement account due to the use of the retirement credit card for the fund transfer (column 5, lines 33-41). These funds sent to the retirement account are not accessible to be brought back into the casino for gambling as is standard for any retirement trust fund (column 4, lines 20-29).

Continuing with the teachings of Foodman, the casino patron then gambles as desired and after the patron has decided to stop gambling, winnings are transferred from the casino account back to the credit card (column 10, lines 52-65). Hardesty teaches that a predetermined amount of casino credits triggers the rebate to the retirement account (column 5, lines 33-41). When the patron cashes out winnings, it would be reasonable to assume that if the patron has a predetermined amount of casino credit winnings a further rebate could be issued from the casino account to the retirement account associated with the credit card and would also increase customer loyalty.

Further, Hardesty teaches that by providing such a system of linking a retirement card to a participating casino creates the opportunity to have loyal customers for the participating casino (Abstract, column 6, lines 28-34). Appellant discloses in the specification that the instant invention is a business method for casinos to attract patrons and retain their loyalty, with an investment system for casino betting (page 1, lines 4-7).

Therefore in reviewing the Foodman and Hardesty patents, it is clear that combined, Foodman and Hardesty teach that a casino is a participating merchant to a retirement credit card by establishing a casino account for the benefit of the patron, depositing funds into the casino account, associating the account with an investment account of a financial institution, redeeming deposits and transferring deposits into the investment account.

The above responses to arguments apply to the remaining claims since Appellant does not provide arguments why each of the dependent claims is separately patentable and relies on the arguments regarding the independent claim.

As per the above arguments, Appellant appears to argue the 35 U.S.C. 103 rejection, and the Examiner has properly answered all the arguments presented.

For the reasons above, it is respectfully submitted that the rejections should be sustained.

Respectfully Submitted,

Stefano Karmis

Art Unit 3624
04 March 2005

Conferee

John Weiss JCW 3/7/05

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Art Unit 3629
04 March 2005

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